



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

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November 9, 2000

IN REPLY REFER TO

HDA-CA

File #: 570

Document #: S33903

Mr. Jeff Morales, Director
CALTRANS, 1120 N Street
Sacramento, California 95814

Attention: Federal Resources Branch, Room 3500
For Gary Winters

Dear Mr. Morales:

**SUBJECT: CLARIFICATION ON INTERIM THRESHOLD FOR NEPA/404
INTEGRATION PROCESS**

In our letter dated October 30, 2000 (Document #: S33797), the FHWA California Division established an interim threshold for invoking the NEPA/404 Integration Process MOU (MOU), to be applied to all federal-aid transportation projects in California until a revised MOU has been executed. The purpose of this letter is to provide additional guidance on withdrawal from the NEPA/404 MOU process when the proposed project impacts would be less than the interim threshold. The interim threshold to invoke the MOU occurs when a proposed federal-aid project in the State of California is likely to have impacts greater than five acres to special aquatic sites; or impacts greater than five acres to other waters of the U.S.

The intent of the withdrawal provision was to address only those projects for which the MOU process was initiated *since June 2000*, and which would not have required an individual permit prior to the June 5, 2000, effective date of the final notice of changes to the Section 404 Nationwide Permit (NWP) program as published in the Federal Register on March 9, 2000. Other ongoing MOU processes should continue to completion. In addition, recently initiated MOU processes should continue if there is the potential for impacts to meet or exceed the interim threshold, or if there are other concerns that can best be resolved using the MOU process, rather than deferring resolution until after permit application.

Please discuss any proposals to withdraw from the MOU process with the appropriate FHWA Project Delivery Team Leader (Glenn Clinton at (916) 498-5020 (Districts 1, 2, 3, 4, 5, 6, 9, and 10); or Jeff Kolb at (916) 498-5037 (Districts 7, 8, 11, and 12)) prior to taking any action. FHWA's concurrence is required before withdrawing from the MOU process for federal-aid highway projects.

Any questions regarding the interim threshold or withdrawal from the MOU process may be directed to Karen Schmidt, FHWA, at (916) 498-5046 (until November 22, 2000); Dennis Scovill, FHWA, at (916) 498-5034, or Sheila Mone, Caltrans, at (916) 653-8746.

Sincerely,

/s/ Michael G. Ritchie
Michael G. Ritchie
Division Administrator

cc: (E-Mail)

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